



MILPITAS CITY COUNCIL MEETING AGENDA

TUESDAY, JANUARY 3, 2017

455 EAST CALAVERAS BOULEVARD, MILPITAS, CA

6:30 P.M. CLOSED SESSION

7:00 P.M. PUBLIC BUSINESS

SUMMARY OF CONTENTS

I. CALL TO ORDER by Mayor and **ROLL CALL** by City Clerk (6:30 p.m.)

II. ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION

Pursuant to California Government Code Section 54956.9(d)(4). City as Plaintiff

III. CLOSED SESSION ANNOUNCEMENT: Report on any action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote or abstention of each member present

IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)

V. INVOCATION (Mayor Tran)

VI. SCHEDULE OF MEETINGS – COUNCIL CALENDAR January 2017

VII. PUBLIC FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. However, the Council may instruct the City Manager to place the item on a future meeting agenda.

VIII. ANNOUNCEMENTS

IX. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

X. APPROVE AGENDA

XI. CONSENT CALENDAR (Items with asterisks*)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

XII. *APPROVE COUNCIL MEETING MINUTES – December 6, 13 and 16, 2016

XIII. PUBLIC HEARINGS

- 1. Conduct a Public Hearing and Adopt a Resolution Establishing Portions of South Main Street and Corning Avenue as Underground Utility District No. 6, Project No. 3425 (Staff Contact: Steve Erickson, 408-586-3301)**
- 2. Conduct a Public Hearing and Adopt a Resolution Establishing Portions of South Milpitas Boulevard and Montague Expressway as Underground Utility District No. 7, Project No. 4281 (Staff Contact: Steve Erickson, 408-586-3301)**

XIV. UNFINISHED BUSINESS

- 3. Review the Adopted Resolution No. 8624 for Support of a National Heritage Area Designation for Santa Clara County (Contacts: Councilmember Nuñez, 408-586-3023 and Tom Williams, 048-586-3050)**
- * 4. Receive Update of the Odor Control Report (Staff Contact: Greg Chung, 408-586-3355)**

XV. REPORTS OF MAYOR AND COMMISSIONS

- 5. Hear Report from Mayor of Councilmember Liaison Assignments to City Commissions (Contact: Mayor Tran, 408-586-3029)**
- 6. Receive Report and Approve the 2017 Work Plan of the Emergency Preparedness Commission (Staff Contact: Toni Charlop, 408-586-2801)**
- * 7. Approve Donations of \$1,000 Each to Three Veteran Service Agencies from the Annual Veterans Commission Car Show Proceeds (Staff Contact: Dale Flunoy, 408-586-3228)**

XVI. NEW BUSINESS

- 8. Required Training Related to Prevention of Harassment in the Workplace (Staff Contact: Tina Murphy, 408-586-3086)**

XVII. ORDINANCE

- * 9. Waive Second Reading and Adopt Ordinance No. 227.7 Amending Title V, Chapter 215 of the Milpitas Municipal Code to Ban Smoking in Outdoor Dining Establishments (Staff Contacts: Edesa Bitbadal, 408-586-3052 and Christopher Diaz, 408-586-3040)**

XVIII. RESOLUTIONS

- *10. Adopt a Resolution Approving a New Memorandum of Understanding between the City of Milpitas and the International Association of Firefighters Local 1699 for January 1, 2017 to June 30, 2018 (Staff Contact: Tina Murphy, 408-586-3086)**
- *11. Adopt a Resolution Amending the City's Classification Plan to Reflect Addition of Chief Fire Enforcement Officer in the Milpitas Fire Department (Staff Contact: Tina Murphy, 408-586-3086)**
- *12. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for February 7, 2017 to Hear Objections (Staff Contact: Albert Zamora, 408-586-3371)**

- *13. Adopt a Resolution Certifying Election Results and Adding Tract No. 10372 to Community Facilities District 2008-1 (Annexation No. 11), Approve Final Map for Tract No. 10372 for a 114-unit Residential Condominium Development at 1757 Houret Court, 231, 247 and 271 Houret Drive, and Approve and Authorize the City Manager to Execute the Subdivision Improvement Agreement (Staff Contact: Judy Chu, 408-586-3325)**
- *14. Adopt a Resolution Authorizing the City Manager to Execute an Agreement for the Acceptance and Use of the 2016 Emergency Management Performance Grant (EMPG) Funds (Staff Contact: Toni Charlop, 408-586-2801)**
- *15. Adopt a Resolution Approving Amendment No. 3 to the Agreement with JP Graphics, Inc. for City-wide Printing Services, Increasing the Annual Maximum Compensation Amount by \$45,000 (Staff Contact: Martin Garcia, 408-586-3163)**

XIX. ADJOURNMENT

NEXT REGULARLY SCHEDULED COUNCIL MEETING TUESDAY, JANUARY 17, 2017

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. Phone 408-586-3040

All City Council agendas and related materials can be viewed online here:
www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Current Vacancies on
Economic Development Commission (MUSD rep.)
Emergency Preparedness Commission
Sister Cities Commission

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings in that facility.

AGENDA REPORTS

XIII. PUBLIC HEARINGS

- 1. Conduct a Public Hearing and Adopt a Resolution Establishing Portions of South Main Street and Corning Avenue as Underground Utility District No. 6, Project No. 3425 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: On December 6, 2016, City Council adopted Resolution No. 8614 setting this date and time for a public hearing to determine whether the Public Necessity, Health, Safety, or Welfare requires the formation of an Underground Utility District on portions of South Main Street and Corning Avenue as shown on the proposed District Boundary Map. To meet the requirements of the Milpitas Municipal Code, Title VII, Chapter 3, all affected property owners as shown on the last equalized assessment roll, and utility companies were given notice of the Public Hearing. A sample of the notice letter and the mailing list is included in the Council's agenda packet.

The establishment of the underground utility district is a necessary step towards removal of overhead power, telecommunications and related equipment and poles. Placing these utilities underground increases public safety, particularly during and after seismic events and weather storms, and makes the area more attractive for commerce and community activities.

Undergrounding of utilities on portions of South Main Street, and Corning Avenue supports the City's Midtown Specific Plan improvements, including installation of new decorative street lighting. Pacific Gas and Electric Company (PG&E), AT&T, and Comcast have electric distribution, telecommunication and cable television service wires atop wooden poles along this corridor.

PG&E has a Rule 20A program that is intended to help communities convert portions of their existing electric utility lines from traditional overhead lines to underground lines. Rule 20A credits are allocated at a rate of \$139,317 to the City annually, and the City currently has approximately \$4 million in credits available for use toward this new underground district. The program also allows for the use of up to five years of future annual Rule 20A credit allocations toward a current project.

When a PG&E Rule 20A Underground District is formed, properties within the new district having existing overhead utility service lines to their buildings will be required to convert them to underground service. The conversion work requires the installation of new service conduits and wire from the street to the building. The electrical service panel and meter on the building are changed or modified to receive service from the ground. In some cases, commercial establishments may require the installation of above ground transformers, and the dedication of new utility easements and right-of-way for the installation of above ground transformers or where underground utility conduits cross property lines.

All building modifications and service panel conversions to underground services must conform to the City's Building Code, and will require electrical permits and related inspections at each building. PG&E Rule 20A credits can be used to fund these building service conversions for an amount not to exceed \$1,500 per property. The City would be required to fund any conversion work that exceeds the \$1,500 per property limit. The City would also be required to acquire and provide any new easements and right-of-way for the new underground utilities. The cost to purchase and acquire the easements are not eligible for Rule 20A funding and will require separate funding by the City.

The new underground district is estimated to cost approximately \$2.7 million to complete and will utilize PG&E's Rule 20A credits for most of the construction. However, the removal or mitigation of contaminated or hazardous soils, the establishment of new easements and right-of-way, and service conversions exceeding the Rule 20A limits are not eligible for use of Rule 20A

credits, and would be required to be funded separately by the City. It is estimated that approximately \$550,000 in City funding will be required to complete construction of the new district to cover cost items not eligible for use of Rule 20A credits. These additional costs will be programmed into the City's Capital Improvement Program this next cycle.

Once the new utility district is established by resolution, PG&E will commence with design and construction of the overhead to underground conversion. PG&E estimates that it will require 39 months to complete its design and construction of the undergrounding.

Alternative: Denial is not in proceeding with the public hearing and establishment of the Underground Utility District.

Fiscal Impact: The estimated total project cost is \$2.7 million, with a majority of the funding coming from PG&E Rule 20A fund credits. The City will be required to provide an estimated \$550,000 in funding to cover construction costs that are not eligible for Rule 20A funds.

Recommendations:

1. Open the public hearing to hear any comments, and move to close the public hearing.
2. Adopt a resolution establishing portions of South Main Street and Corning Avenue as Underground Utility District No. 6.

2. Conduct a Public Hearing and Adopt a Resolution Establishing Portions of South Milpitas Boulevard and Montague Expressway as Underground Utility District No. 7, Project No. 4281 (Staff Contact: Steve Erickson, 408-586-3301)

Background: On December 6, 2016, City Council adopted Resolution No. 8615 setting this date and time for a public hearing to determine whether the Public Necessity, Health, Safety, or Welfare requires the formation of an Underground Utility District on portions of South Milpitas Boulevard and Montague Expressway as shown on the proposed District Boundary Map. To meet the requirements of the Milpitas Municipal Code, Title VII, Chapter 3, all affected property owners as shown on the last equalized assessment roll, and utility companies were given notice of the Public Hearing. A sample of the notice letter and the mailing list is included in the Council's agenda packet.

The establishment of the South Milpitas Boulevard-Montague Expressway Underground Utility District No. 7 is a necessary step towards removal of overhead power, telecommunications and related equipment and poles. Placing these utilities underground increases public safety, particularly during and after seismic events and weather storms, and makes the area more attractive for commerce and community activities. Undergrounding of distribution service utilities on portions of South Milpitas Boulevard and on portions of Montague Expressway supports the City's Transit Area Specific Plan (TASP). Pacific Gas and Electric Company (PG&E) has both electric distribution and higher voltage transmission services along this corridor, and AT&T and Comcast has communication and cable television facilities atop wooden poles. The high voltage transmission facilities are located atop the tall steel pole structures. Only the lower voltage distribution facilities are proposed to be underground due to the high cost.

PG&E has a Rule 20A program that is intended to help communities convert portions of their existing electric utility lines from traditional overhead lines to underground lines. Rule 20A credits are allocated at a rate of \$139,317 to the City annually, and the City currently has approximately \$4 million in credits available for use toward this new underground district. The program also allows for the use of up to 5-years of future annual Rule 20A credit allocations toward a current project.

When a PG&E Rule 20A Underground District is formed, properties within the new district having existing overhead utility service lines to their buildings will be required to convert them to underground service. Conversion work requires the installation of new service conduits and wire

from the street to the building. The electrical service panel and meter on the building are changed or modified to receive service from the ground. In some cases, commercial establishments may require the installation of above ground transformers, and the dedication of new utility easements and right-of-way may be required for the installation of above ground transformers or where underground utility conduits cross property lines.

The proposed district is estimated to cost \$575,000 to construction and will utilize PG&E's Rule 20A credits for most of the construction. However, the removal or mitigation of contaminated or hazardous soils, the establishment of new easements and right-of-way, and service conversions exceeding the Rule 20A limits are not eligible for use of Rule 20A credits, and would be required to be funded separately by the City. The existing structures within this proposed underground district are already serviced underground from poles at their street frontage. As a result, building service conversions are not anticipated to be required. The need to mitigate hazardous or contaminated soils is also not anticipated.

Currently, the Santa Clara Valley Transportation Authority (VTA) is managing construction of the roadway widening and bridge construction on Montague Expressway from Gladding Court to Great Mall Parkway. This road widening includes work on South Milpitas Boulevard from Montague Expressway to the UPRR rail crossing. VTA has agreed to install underground utility conduits and substructures for the City's proposed utility underground district. Santa Clara County Roads & Airports has also agreed to share in the cost for the underground district work occurring in Montague Expressway, which is County right-of-way.

Once the new utility district is established by resolution, and after installation of the conduit substructure by VTA, then PG&E will begin design and construction of the overhead to underground conversion. PG&E estimates that it will require 34 months to complete its design and construction of the undergrounding. An additional \$25,000 is anticipated to be necessary and is programmed into the Capital Improvement Project No. 4281 for design support and mapping costs associated with the completion of construction.

Alternative: Denial is not in proceeding with the public hearing and establishment of the Underground Utility District.

Fiscal Impact: The estimated total project cost is \$575,000, with a majority of the funding coming from PG&E Rule 20A fund credits. The City will be required to provide an estimated \$75,000 in funding to cover construction costs that are not eligible for Rule 20A.

Recommendations:

1. Open the public hearing to hear any comments, and move to close the public hearing.
2. Adopt a resolution establishing portions of South Milpitas Boulevard and Montague Expressway as Underground Utility District No. 7.

XIV. UNFINISHED BUSINESS

3. Review the Adopted Resolution No. 8624 for Support of a National Heritage Area Designation for Santa Clara County (Contacts: Councilmember Nuñez, 408-586-3023 and Tom Williams, 408-586-3050)

Background: On December 6, 2016, Milpitas City Council adopted Resolution No. 8624, at the urging of Santa Clara County officials, to support efforts seeking a "National Heritage Area" designation for Santa Clara County. The purpose of the designation is, in part, to bring opportunities to promote the local heritage and celebrate associated art, education and tourism. The designation is one granted by the National Parks Service and U.S. Congress.

On December 13, 2016, Councilmember Nuñez requested that staff consider whether there would be any financial or other impacts to the City following adoption of that resolution. City staff

reports that the adopted resolution of support has no identified negative impact on the City of Milpitas. The designation simply emphasizes the City's commitment to identifying and maintaining locally designated historic sites within the City and throughout the County.

Recommendation: Receive this report and review the adopted resolution.

*** 4. Receive Update of the Odor Control Report (Staff Contact: Greg Chung, 408-586-3355)**

Background: From November 2 through December 8, 2016, the Bay Area Air Quality Management District (BAAQMD) forwarded 138 complaints originating in Milpitas. 73 complaints identified a garbage odor, six complaints identified a sewage odor, 58 complaints did not identify an odor source, and one identified multiple odor sources. As of the last Council update, the City's odor reporting website has received 36 reported complaints.

Recommendation: Receive the update of the odor control report.

XV. REPORTS OF MAYOR AND COMMISSIONS

5. Hear Report from Mayor of Councilmember Liaison Assignments to City Commissions (Contact: Mayor Tran, 408-586-3029)

Recommendation: Mayor Tran may provide recommendations for Councilmember appointments to 13 City Commissions to serve as Council liaisons. If so, move to affirm those appointments.

6. Receive Report and Approve the 2017 Work Plan of the Emergency Preparedness Commission (Staff Contact: Toni Charlop, 408-586-2801)

Background: The Emergency Preparedness Commission (EPC) advises the City Council regarding emergency preparedness and disaster planning. Commissioners are composed of dedicated volunteers who make recommendations to the City Council. The EPC's 2017 Work Plan identifies the Commission's goals, projects and ongoing tasks that the Commissioners plan to accomplish in 2017.

Fiscal Impact: None. Any expenditures are within the adopted Commissions section of the City Council's budget.

Recommendation: Hear report and approve the Emergency Preparedness Commission 2017 Work Plan.

*** 7. Approve Donations of \$1,000 Each to Three Veteran Service Agencies from the Annual Veterans Commission Car Show Proceeds (Staff Contact: Dale Flunoy, 408-586-3228)**

Background: The Milpitas Veterans Commission holds an annual Car Show to raise money to benefit local organizations that assist and provide services to veterans. The annual show is funded through sponsorships and monies raised at prior shows. The Commission held its fourth Annual Car Show on October 15, 2016. On December 7, 2016, Commissioners voted to recommend donations to the following three organizations: Guide Dogs for the Blind, Semper Fi and Defenders Lodge, each in the amount of \$1,000.

Fiscal Impact: None. Funds raised from Veterans Commission Car Show cover all donation costs, thus this will not impact the general fund budget.

Recommendation: Approve donations to the Guide Dogs for the Blind, Semper Fi and Defenders Lodge, each in the amount of \$1,000 for a total \$3,000 donated to the service organizations in support of veterans.

XVI. NEW BUSINESS

- 8. Required Training Related to Prevention of Harassment in the Workplace (Staff Contact: Tina Murphy, 408-586-3086)**

Recommendation: The City's Human Resources Director will provide required training on the prevention of harassment in the workplace to the Mayor and City Councilmembers.

XVII. ORDINANCE

- * 9. Waive Second Reading and Adopt Ordinance No. 227.7 Amending Title V, Chapter 215 of the Milpitas Municipal Code to Ban Smoking in Outdoor Dining Establishments (Staff Contacts: Edesa Bitbadal, 408-586-3052 and Christopher Diaz, 408-586-3040)**

Background: Ordinance No. 227.7 was introduced at its first reading during the December 6, 2016 City Council meeting. This Ordinance has been updated and is now ready for its second reading and adoption. This Ordinance includes regulations to ban smoking in outdoor dining establishments.

Recommendation: Waive the second reading and adopt Ordinance No. 227.7 amending Title V, Chapter 215 of the Milpitas Municipal Code to ban smoking in outdoor dining establishments.

XVIII. RESOLUTIONS

- *10. Adopt a Resolution Approving a New Memorandum of Understanding between the City of Milpitas and the International Association of Firefighters Local 1699 for January 1, 2017 to June 30, 2018 (Staff Contact: Tina Murphy, 408-586-3086)**

Background: The most recent Memorandum of Understanding (MOU) with the International Association of Firefighters (IAFF) Local 1699 was scheduled to expire on December 31, 2016. City representatives and representatives from the IAFF Local met and conferred in good faith to negotiate a new contract. Agreement has been reached for a new successor Memorandum of Understanding with effective dates of January 1, 2017 through June 30, 2018, a copy of which is included in the City Council agenda packet. The draft MOU document was available for public review for the 10 day period, as required per the City's Open Government ordinance.

Fiscal Impact: The total one-year cost of the MOU is approximately \$346,300.

Recommendation: Adopt a resolution approving the Memorandum of Understanding between the City of Milpitas and the International Association of Firefighters Local 1699 covering the period of January 1, 2017 through June 30, 2018.

- *11. Adopt a Resolution Amending the City's Classification Plan to Reflect Addition of Chief Fire Enforcement Officer in the Milpitas Fire Department (Staff Contact: Tina Murphy, 408-586-3086)**

Background: Amendments to the Classification Plan are periodically required to account for organizational changes and changes in job responsibilities. The proposed amendment reflects the following change.

The Fire Department's need for additional enforcement and investigation duties to be performed for the Fire Marshal's Office. Due to the workload of the Fire Marshal's Office, the Fire Department has analyzed the needs of the division and has determined that it would be best served to add the new position of Chief Fire Enforcement Officer. The Chief Fire Enforcement Officer will be an exempt position responsible for enforcement, education and criminal investigations necessary to meet the demands of the Fire Marshal's Office.

Fiscal Impact: The recommended annual salary range for the exempt position of Chief Fire Enforcement Officer is \$126,208.88 - \$176,692.43. The salary and benefit cost is estimated to be \$144,000 for the remainder of FY 2016-17. \$59,600 will be recoverable through inspection and permit fees, \$70,000 will be offset by salary savings from vacancy in the Department, and \$14,400 will require an appropriation from the City's General Fund.

Recommendations:

1. Adopt a resolution amending the Classification Plan to reflect the addition of Chief Fire Enforcement Officer into the Milpitas Fire Department.
2. Approve a budget appropriation from the General Fund in the amount of \$14,400 to the Fire Department's operating budget.
3. Increase General Fund revenue by \$59,600 and approve a budget appropriation for \$59,600 to the Fire Department's operating budget.

***12. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for February 7, 2017 to Hear Objections (Staff Contact: Albert Zamora, 408-586-3371)**

Background: The County of Santa Clara Department of Agriculture and Environmental Management has notified the City of Milpitas that it is commencing its Hazardous Vegetation Abatement (weed abatement) program for the forthcoming 2017 season. The County has requested the City adopt a resolution declaring weeds to be a public nuisance and to schedule a public hearing to hear objections to the proposed destruction and / or removal of weeds. A resolution, declaring weeds on specific properties to be a public nuisance, is adopted by the Council each year. The City then holds a public hearing to give affected property owners an opportunity to appear before the Council to dispute the designation of their property as a public nuisance. The public hearing will be scheduled for February 7, 2017.

Recommendation: Adopt a resolution declaring weeds on specific properties to be public nuisances and set the public hearing date on Tuesday, February 7, 2016 at 7:00 PM in Council Chambers.

***13. Adopt a Resolution Certifying Election Results and Adding Tract No. 10372 to Community Facilities District 2008-1 (Annexation No. 11), Approve Final Map for Tract No. 10372 for a 114-unit Residential Condominium Development at 1757 Houret Court, 231, 247 and 271 Houret Drive, and Approve and Authorize the City Manager to Execute the Subdivision Improvement Agreement (Staff Contact: Judy Chu, 408-586-3325)**

Background: On November 17, 2015, the City Council conditionally approved a Vesting Tentative Map (VTM) to allow for 114-unit residential condominium development at 1757 Houret Court, 231, 247 and 271 Houret Drive, west of Montague Expressway and south of Penitencia Creek, within the Transit Area Specific Plan (TASP) area.

The final map Tract No. 10372 is subject to annexation to the Community Facilities District No. 2008-1 as required by the project conditions. City has on file a Certificate of Registrar of Voters from the County of Santa Clara certifying that there is no registered voters residing within the boundaries of proposed Annexation No. 11 to the CFD 2008-1. On December 16, 2016, the property owner(s) unanimously agreed to Annexation No. 11.

The City Engineer has examined the final map Tract No. 10372 (Attachment 2) and determined that the final map Tract No. 10372 is substantially the same as the VTM pursuant to California Government Code Section 66442. The City Council shall not deny approval of a final map if it has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map pursuant to GC

Section 66474.1. Therefore, once the City Engineer certifies the final map, there are no additional discretionary grounds for the City Council to disapprove the final map.

The Developer has offered dedications to the City for public use, such as public service and utilities, public storm drain, bicycle and pedestrian access, and emergency vehicle access, as required by the project condition and as depicted on the final map. City Council shall accept, accept subject to improvements, or reject any offer of dedication at the time of final map approval pursuant to GC Section 66477.1 and Milpitas Municipal Code (MMC) Section XI-1-5.05-2. In approving the final map Tract No. 10372, Council will also accept the offers of dedication as stated and depicted on the final map upon completion and acceptance of improvements.

On October 21 and on December 7, 2016, the City Council's Facilities and Streets Naming Subcommittee reviewed and recommended approval of the street names as shown on the final map. Those private street names are Ironwood Drive and Hazelnut Lane, respectively, without duplication. City Council shall approve all street names pursuant to MMC Section XI-1-7.01-8.

The City Engineer has also reviewed and approved public improvement plans (2-1220) pursuant to MMC XI-1-7.09-2. The Developer has executed a Subdivision Improvement Agreement (Attachment 3) as approved by the City Attorney as to form and by the City Engineer as to substance pursuant to MMC XI-1-17.01 and provided improvement securities (\$799,000 for faithful performance and \$799,000 for labor and materials) to guarantee completion of required public improvements.

The final map Tract No. 10372 conforms to all of the requirements of the State of California Subdivision Map Act, and Milpitas Municipal Code Title XI, Chapter 1 *Subdivisions*.

California Environmental Quality Act: Approval of final subdivision map is a ministerial action exempt from the CEQA pursuant to CEQA Guidelines Section 15268(b)(3). Approval of the Subdivision Improvement Agreement implements the Project for which CEQA review has already been completed through the City Council's adoption of Resolution No. 8509 adopting an addendum to the previously certified Transit Area Specific Plan Environmental Impact Report.

Fiscal Impact: Adding Tract No. 10372 to the CFD No. 2008-1 would allow the City to levy special taxes to properties within Tract No. 10372, in order to fund for certain public services within the TASP area.

Recommendations:

1. Adopt a resolution certifying election results and adding Tract No. 10372 to Community Facilities District 2008-1 (Annexation No. 11).
2. Approve Final Map Tract No. 10372, including approval of street names and acceptance of all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements.
3. Approve and authorize the City Manager to execute the Subdivision Improvement Agreement.

***14. Adopt a Resolution Authorizing the City Manager to Execute an Agreement for the Acceptance and Use of the 2016 Emergency Management Performance Grant (EMPG) Funds (Staff Contact: Toni Charlop, 408-586-2801)**

Background: Santa Clara County has been authorized to reimburse up to \$1,300 for Emergency Management staff to attend the 2016 CESA Annual Training Conference. City of Milpitas Fire Department staff attended the 2016 Conference in October 2016 and is requesting a reimbursement of funds from the County to the Office of Emergency Services budget (Fire Department). Reimbursement request is for a total of \$1,080.05, to cover flight (\$151.96), room (\$335.84) and conference registration (\$592.25).

Additionally, under the 2016 EMPG the Office of Emergency Services has been granted up to \$13,000 for the purchase of laptops to be used in the Emergency Operations Center (EOC) for training, drilling and emergency response during a disaster or catastrophic event. The EOC laptops are slow and outdated due to its anticipated technological lifespan.

Fiscal Impact: None. The EMP Grant will cover the cost of the 2016 CESA Annual Training conference and purchase of laptops to be used in the Emergency Operations Center.

Recommendations:

1. Adopt a resolution authorizing the City Manager to execute an agreement for the acceptance and use of the 2016 Emergency Management Performance Grant (EMPG) in the amount of \$14,300.
2. Approve a budget appropriation in the amount of \$14,300 to the Fire Department's operating budget.

***15. Adopt a Resolution Approving Amendment No. 3 to the Agreement with JP Graphics, Inc. for City-wide Printing Services, Increasing the Annual Maximum Compensation Amount by \$45,000 (Staff Contact: Martin Garcia, 408-586-3163)**

Background: On February 1, 2015, the City of Milpitas and JP Graphics, Inc. entered into a five-year agreement for City-wide printing services in the amount of \$70,000 per year.

On July 22, 2015, the parties entered into Amendment No. 1, increasing the agreement compensation amount by \$65,000 per year, for a new maximum amount of \$135,000 per year to allow the contractor to perform needed additional services.

On April 19, 2016, the parties entered into Amendment No. 2, increasing the agreement compensation amount for Contract Year One only by \$45,010 to a new maximum amount of \$180,010. The maximum annual amount for contract years 2 through 5 remained at \$135,000, and resulted in a new total five-year maximum compensation amount of \$720,010.

Various City departments continue to use the City-wide printing services under the agreement resulting in a higher demand than anticipated and requiring a further increase in the agreement compensation amount to cover the additional services. Accordingly, the City wishes to further amend the agreement to increase the maximum annual amount for years 2 through 5 by \$45,000, resulting in a new total maximum five-year compensation amount of \$900,010.

Fiscal Impact: None. This is a programmed expense in the Fiscal Year operating budgets for the various departments.

Recommendation: Approve Amendment No. 3 to the Agreement with JP Graphics, Inc. for City-wide printing services increasing the annual maximum compensation by \$45,000 for years 2 through 5, resulting in a five-year total maximum amount of \$900,010.

XIX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, JANUARY 17, 2017**